<b>COVER SHEET FOR FILI</b>	NG LIL ACTIONS
COMMONWEALTH OF VIRGINIA	



COMMONWEALTH OF VIRGINIA		(CLERK'S OFFICE USE ONLY)
	Craig County	Circuit Court
LCM Corporation	/	Federal-Mogul Corporation
PLAINTIFF(S)	V./In re:	DEFENDANT(S)
		efendant hereby notify the Clerk of Court that I am filing identifies the claim being asserted or relief sought.)
GENERAL CIVIL	ADMINISTRATIVE LAW	-
Subsequent Actions	ADMINISTRATIVE LAW  [ ] Appeal/Judicial Review of I	PROBATE/WILLS AND TRUSTS Decision of [ ] Accounting
[ ] Claim Impleading Third Party Defendant	(select one)	[ ] Aid and Guidance
[ ] Monetary Damages	[ ] ABC Board	[ ] Appointment (select one)
[ ] No Monetary Damages	[ ] Board of Zoning	[ ] Guardian/Conservator
[ ] Counterclaim	[ ] Compensation Board	[ ] Standby Guardian/Conservator
[ ] Monetary Damages	DMV License Suspension	
[] No Monetary Damages	[ ] Employee Grievance De	
[ ] Cross Claim	[ ] Employment Commission	
[ ] Interpleader [ ] Reinstatement (other than divorce or	[ ] Local Government [ ] Marine Resources Comr	[ ] Reformation nission [ ] Will (select one)
driving privileges)	[ ] School Board	[ ] Construe
[ ] Removal of Case to Federal Court	[ ] Voter Registration	[ ] Contested
Business & Contract	[ ] Other Administrative Ap	
[ ] Attachment	•	MISCELLANEOUS
[ ] Confessed Judgment	DOMESTIC/FAMILY	[ ] Appointment (select one)
[ ] Contract Action	[ ] Adoption	[ ] Church Trustee
[ ] Contract Specific Performance	[] Adoption – Foreign	[ ] Conservator of Peace
[ ] Detinue [ ] Garnishment	[ ] Adult Protection	[ ] Marriage Celebrant
Property	[ ] Annulment [ ] Annulment – Countercla	[ ] Bond Forfeiture Appeal
[] Annexation	Pleading	im/Responsive [ ] Declaratory Judgment [ ] Declare Death
[ ] Condemnation	[ ] Child Abuse and Neglect –	
[ ] Ejectment	Complaint	[ ] Reinstatement pursuant to § 46.2-427
[ ] Encumber/Sell Real Estate	[ ] Civil Contempt	[ ] Restoration – Habitual Offender or 3 <sup>rd</sup>
[ ] Enforce Vendor's Lien	[ ] Divorce (select one)	Offense
[ ] Escheatment	[ ] Complaint – Contested*	
[ ] Establish Boundaries	[ ] Complaint – Unconteste	
[ ] Landlord/Tenant [ ] Unlawful Detainer	[ ] Counterclaim/Responsiv [ ] Reinstatement –	•
[ ] Mechanics Lien	Custody/Visitation/Supp	[ ] Freedom of Information ort/Equitable [ ] Injunction
[ ] Partition	Distribution	[ ] Interdiction
[ ] Quiet Title	[ ] Separate Maintenance	[ ] Interrogatory
[ ] Termination of Mineral Rights	[ ] Separate Maintenance C	
Tort		[ ] Law Enforcement/Public Official Petition
[ ] Asbestos Litigation	WRITS	[ ] Name Change
[ ] Compromise Settlement	[ ] Certiorari	[ ] Referendum Elections
<ul><li>[X] Intentional Tort</li><li>[ ] Medical Malpractice</li></ul>	[ ] Habeas Corpus	[ ] Sever Order
[ ] Motor Vehicle Tort	[ ] Mandamus [ ] Prohibition	[ ] Taxes (select one) [ ] Correct Erroneous State/Local
[ ] Product Liability	[ ] Quo Warranto	[ ] Delinquent
[ ] Wrongful Death	[ ] Que wanano	[ ] Vehicle Confiscation
[ ] Other General Tort Liability		[ ] Voting Rights – Restoration
In excess of		[X] Other (please specify)
500,000,00		interference with business expectancy
[X] Damages in the amount of \$ .500,000.00	are claimed	٠
December 29, 2015	$\mathcal{C}_{\mathcal{I}_{\mathcal{I}_{\mathcal{I}_{\mathcal{I}_{\mathcal{I}}}}}}$	9 X (~ /
DATE	[]PLAINTIFF // []E	EFENDANT [*] ATTORNEY FOR [*] PLAINTIFF
William B. Hopkins, Jr	., Esq.	[ ] DEFENDANT
PRINT NAME	VA 24022	*"Contested" divorce means any of the following matters are in
P. O. Box 13366, Roanoke, ADDRESS/TELEPHONE NUMBER O	VA 24033 DE SIGNATOR	dispute: grounds of divorce, spousal support and maintenance,
(540) 982-1000 ext.	222	child custody and/or visitation, child support, property distribution
	***************************************	or debt allocation. An "Uncontested" divorce is filed on no fault
wbhjr@martinhopkinsandl EMAIL ADDRESS OF SIGNATOR (		grounds and none of the above issues are in dispute.

# VIRGINIA:

## IN THE CIRCUIT COURT FOR CRAIG COUNTY

LCM CORPORATION, a Virginia
corporation,

Plaintiff,

v.

FEDERAL-MOGUL CORPORATION, a
Delaware corporation licensed to do
Business in Virginia,

Defendant.

COMPLAINT

RCPT : 15000002244 DATE : 12729715 TIME: 15:11 CASE : 045CL15000046-00

Comes now LCM Corporation ("LCM"), and in support of its complaint filed herein alleges as follows:

# Introduction

- 1. LCM is a Virginia corporation with its principal offices located in the City of Roanoke, Virginia.
- 2. Federal-Mogul Corporation ("Federal-Mogul") is a Delaware corporation which, among other things, is a global supplier of products to manufacturers of automotive, light commercial, heavy duty and off highway vehicles.

# **Background**

- 3. Federal-Mogul operates a manufacturing plant in Blacksburg, Virginia. At such plant it manufactures bearings for use in the automotive industry.
- 4. The manufacturing process at the Federal-Mogul plant in Blacksburg produces aluminum dust as a waste product. Aluminum dust is highly combustible. The aluminum dust has to be periodically removed from the Federal-Mogul plant.
- 5. For this purpose, Federal-Mogul installed a "baghouse" located next to and just outside its Blacksburg plant in approximately 13 years ago. The baghouse uses a motor and a fan which pulls air through the duct system located inside the plant and which is attached to the machine which produces the aluminum dust. The intent of such system is for the aluminum dust to be conveyed through the duct system from inside the plant through the exterior wall to the baghouse. The system contains a flash protector. The flash protector is a critical safety requirement. The purpose of the flash protector is to stop an explosion or conflagration of the dust in the baghouse from going back through the conveyance ductwork into the plant so as to prevent injury, death and further property damage.
- 6. Within the baghouse located outside the building are filter bags intended to collect the dust. If the baghouse is working properly, the drum fills up with dust and must be emptied. Furthermore, the filter bags within the baghouse have to be changed on a regular basis.
- 7. After installation of the dust collection system, and before the explosion which is the genesis of this action, Federal-Mogul never emptied the drum which collected the aluminum dust. The drum never filled up with dust from the date of installation until the date of the explosion, a period of more than six years. This is a highly abnormal condition for an explosive dust collection system and is indicative of severe malfunction. This condition put Federal-Mogul on notice that the dust collection system was not performing as it should.

- 8. Upon information and belief, LCM alleges that from the date of installation to the date of the explosion, Federal-Mogul never changed the filter bags of the baghouse.
- 9. As a result, the aluminum dust produced by Federal-Mogul accumulated inside the baghouse.

# Explosion in the Baghouse

- 10. Sometime prior to December 31, 2010, Federal-Mogul contracted with LCM to disassemble and clean the overhead conveyance ducts located inside the plant. These ducts run across the top interior of the manufacturing plant approximately 30 feet above floor level. Cleaning these ducts required specialized equipment provided by LCM consisting of a lift device and an external mobile baghouse to permit disassembly cleaning and reassembly of the ducts. Upon information and belief, LCM alleges Federal-Mogul had never cleaned these conveyance ducts. Under the contract, LCM was not responsible for any work in regard to the baghouse which was located outside the plant. Furthermore, Federal-Mogul agreed to lock out and tag out the baghouse before LCM started work.
- 11. On December 31, 2010, while certain LCM employees were performing the cleaning operation, an explosion occurred in the baghouse outside Federal-Mogul's plant. As a result, a deflagration or flame left the baghouse where the explosion initiated, ran past the flash protector, continued through the outside wall of the plant and into the duct work inside the plant where the LCM employees were working. As a result, the LCM employees were severely burned and injured.

### Federal-Mogul Deflects Blame

12. Following the explosion and fire and the resulting injury to the LCM employees, Federal-Mogul immediately placed the blame for such occurrence on LCM. On information and belief, LCM alleges Federal-Mogul placed such blame on LCM even though Federal-Mogul

knew the explosion originated in the baghouse. If the explosion originated in the baghouse, LCM would not be responsible.

13. On information and belief, LCM alleges Federal-Mogul advanced a theory of the explosion to news outlets, the investigating authorities and others which it knew was incorrect.

# Tortious Interference with Business Expectancy

- 14. Federal-Mogul knew that LCM was in the business of cleaning up hazardous waste products and related activities for numerous businesses in Virginia and elsewhere.
- 15. Federal-Mogul had used LCM for a number of jobs for several years. As a result, Federal-Mogul knew the companies LCM had worked for and knew about LCM's business expectancy.
- 16. Notwithstanding this knowledge, Federal-Mogul intentionally interfered with LCM's valid business expectancy in the manner set forth above.
- 17. As a direct and proximate result of Federal-Mogul knowingly providing an incorrect account of the cause of the explosion and fire at its plant, many of these businesses stopped contracting with LCM.
- 18. Federal-Mogul used improper means, as described above, to interfere with LCM's business expectancy.
- 19. As a direct and proximate cause of such interference, LCM has suffered damages in excess of \$500,000 in an amount to be determined. LCM will continue to incur damages for the foreseeable future as a result of such interference.
- 20. By this action, LCM seeks to recover damages from 2011 to the current date and into the foreseeable future.
  - 21. LCM demands a trial by jury.

WHEREFORE, LCM Corporation hereby seeks judgment against Federal-Mogul Corporation in excess of \$500,000 in an amount to be determined with interest thereon from January 31, 2011 until paid and its costs incurred herein.

LCM CORPORATION

Of Counsel

William B. Hopkins, Jr., Esq.
Virginia State Bar number 20297
Martin, Hopkins & Lemon, P.C.
P. O. Box 13366
Roanoke, Virginia 24011-3366
Email: wbhjr@martinhopkinsandlemon.com (540) 982-1000 - telephone (540) 982-2015 – facsimile

Counsel for LCM Corporation

01/04/2016 12:13 Serial No. A1UE011022566 TC: 52672

Addressee	Start Time	Time	Prints	Result	Note	,
9839400	01-04 12:10	00:03:00	006/006	OK		

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, DPS:Page Separation TX, MIX:Mixed Original TX: CALL:Manual TX: CSRC:CSRC FWD:Forward, PC:PC-FAX: BND:Double-Sided Binding Direction, SP:Special Original, FCODE:F-code, RTX:Re-TX, RLY:Relay, MBX:confidential, BUL:Bulletin, SIP:SiP Fax; IPADR:IPADR:IPADR:IPADR:Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVR:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

#### SHARON P. OLIVER

CLERK CRAIG COUNTY CIRCUIT COURT P.O. BOX 185 NEW CASTLE, VIRGINIA 24127 540-864-6141 FAX NUMBER 540-864-7471

PLEASE DELIVER	THE FOLLOWS			
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01/04/2016 12:10 Serial No

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Note

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Note

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PLEASE DELIVER THE FOLLOWING PAGE(S) TO:
NAME: Heather Bever
COMPANY:
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### OFFICIAL RECEIPT COUNTY OF CRAIG CIRCUIT COURT CIVIL

DATE: 12/29/15 TIME: 15:11:52 ACCOUNT: 045CL15000046-00 RECEIPT: 15000002264

CASHIER: KAM REG: GG13 FILING: GTOR TYPE: FULL PAYMENT

CASE COMMENTS: LCM CORPORATION V. FEDERAL-MOGUL CORPORATI
SUIT AMOUNT: \$500,000.01

ACCT OF: LCM CORPORATION RECD: HOPKINS, WILLIAM B; JR
CHECK: \$346.00 16208

CHECK: \$346.00 16208

DESCRIPTION 1: PLAINTIFF: LCM CORPORATION 2: NO HEARING SCHEDULED

	Z. NO HEALTHO	CILLOCALO	+*	
CODE	DESCRIPTION	PAID	CODE DESCRIPTION	PAID
304	CLERK CIVIL FEE	290.00	049 WRIT TAX - CIVIL	25.00
106	TECHNOLOGY TRST FND	5.00	123 LEGAL AID SERVICES	9.00
147	INDIGENT ASSISTANCE	1.00	170 COURT TECH FUND	10.00
219	LAW LIBRARY	4.00	229 CHMF	2.00
228	CHCF			
	•		TENDERED :	346.00
			AMOUNT PAID:	346.00
			CHANGE AMT :	.00

CLERK OF COURT: SHARON P OLIVER

COURT COPY RECEIPT COPY 2 OF 2